



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand and Twenty One

PRESENT

The Hon'ble Mrs. Justice T.KRISHNAVALLI

CRL MP(MD) No.5481 of 2021
in
CRL A(MD)No.295 of 2021

JAFFER ALI,

... APPELLANT/APPELLANT
/SOLE ACCUSED

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
JEEYAPURAM ALL WOMAN POLICE STATION,
TIRUCHIRAPALLI,
TRICHY DISTRICT.
(CRIME nO. 04 OF 2018)

... RESPONDENT/ RESPONDENT
/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence and conviction made in the judgment in Spl.S.C.No.56 of 2018 on the file of the Principal Sessions Judge Mahila Court, Trichy dated 16/04/2021 pending disposal of the instant criminal Appeal

PRAYER IN CRL.A(MD)No.295 OF 2021:

To call for the records in Special Sessions Case No.56 of 2018 on the file of the Sessions Judge Mahila Court, Tiruchirappalli and set aside the conviction passed by judgment dated 16.04.2021.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.M.MANIVELPANDIAN, Advocate for the petitioner and of MR.R.M.S.SETHURAMAN, Counsel for State (Criminal Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to grant suspension of sentence imposed by the learned Sessions Judge, Mahila Court, Trichy, dated 16.04.2021, in Spl. SC No.56 of 2018 and enlarge the petitioner/accused on bail pending disposal of the criminal appeal.

2.According to the prosecution, the accused committed penetrative sexual assault on the minor victim.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The trial court, after proper appreciation of the entire materials available on record, both oral and documentary found the petitioner/accused guilty under section 10 of Protection of Children from Sexual Offence Act and sentenced him to undergo Rigorous Imprisonment for 5 years and to pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for 6 months. Aggrieved by the judgment of the trial court, the appellant/accused is before this court. Along with appeal, this petition has been filed seeking suspension of sentence.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

5.The learned Standing Counsel appearing for the State/respondent submitted that after proper appreciation of the facts and circumstances of the case, the trial court has rightly convicted the petitioner/accused and prays for dismissal of this petition.

6.Considering the nature of offence committed by the petitioner and also considering the period of incarceration, this Court is not inclined to grant suspension of sentence to the petitioner.

7.In fine, this Criminal Miscellaneous Petition is dismissed.

sd/-

20/09/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MPK

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

TO

- 1 THE PRINCIPAL SESSIONS JUDGE MAHILA COURT,
TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE,
JEEYAPURAM ALL WOMAN POLICE STATION,
TIRUCHIRAPALLI,
TRICHY DISTRICT.



3 THE SUPERINTEDENT,
CENTRAL PRISON,
TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.5481 of 2021 in

CRL.A(MD)No. 295 of 2021

Date :20/09/2021

PKP/JC/SAR-1/23.09.2021/3P/5C